

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1841

By: Dahm

AS INTRODUCED

An Act relating to wildlife; amending 2 O.S. 2021, Section 6-604, which relates to the Feral Swine Control Act; expanding authorization to remove feral swine at night; exempting certain persons from licensing and permit requirements; eliminating permit requirement to remove feral swine at night; authorizing the use of motor-driven land conveyance and certain lights and equipment when removing feral swine; amending 29 O.S. 2021, Section 4-135, as last amended by Section 1, Chapter 198, O.S.L. 2023 (29 O.S. Supp. 2023, Section 4-135), which relates to permits to control nuisance animals; removing feral swine from permit requirement; amending 29 O.S. 2021, Section 5-203.1, as amended by Section 2, Chapter 171, O.S.L. 2022 (29 O.S. Supp. 2023, Section 5-203.1), which relates to headlighting; modifying exceptions to include removing feral swine; updating statutory reference; updating statutory language; repealing 2 O.S. 2021, Section 6-605, which relates to special permit to kill feral swine; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 2021, Section 6-604, is amended to read as follows:

Section 6-604. A. Except as otherwise specified in the Feral Swine Control Act, any person with written permission of the owner may remove feral swine from private or public property during

1 daylight hours or at night. Any person who removes or attempts to
2 remove feral swine pursuant to this section shall not be required to
3 obtain a license to hunt wildlife issued by the Department of
4 Wildlife Conservation or a permit to control wildlife issued
5 pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes.

6 ~~B. Any person who intends to kill or attempt to kill feral~~
7 ~~swine at night shall obtain a permit issued by the Department of~~
8 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~
9 ~~Oklahoma Statutes and promulgated rules~~ Any person who removes or
10 attempts to removal feral swine pursuant to this section may use a
11 motor-driven land conveyance to pursue or follow feral swine, may
12 use a vehicle-mounted spotlight or other powerful light also known
13 as a headlight, and may use night-vision equipment that uses either
14 image enhancement technology or thermal imaging technology.

15 SECTION 2. AMENDATORY 29 O.S. 2021, Section 4-135, as
16 last amended by Section 1, Chapter 198, O.S.L. 2023 (29 O.S. Supp.
17 2023, Section 4-135), is amended to read as follows:

18 Section 4-135. A. The Department of Wildlife Conservation is
19 authorized to issue permits to landowners, agricultural lessees, or
20 their designated agents with written permission of the landowner or
21 agricultural lessee and to any entity of state, county, or local
22 government to control nuisance or damage by any species of wildlife
23 including, but not limited to, beaver, coyote, deer, bobcat, raccoon
24 and crow under rules promulgated by the Oklahoma Wildlife

1 Conservation Commission. The permits may be issued without
2 limitation by statewide season regulations, bag limits or methods of
3 taking. A permitted landowner, agricultural lessee or a designated
4 agent with written permission of the landowner or agricultural
5 lessee may, with a valid permit issued pursuant to this section,
6 control the wildlife specified in this subsection ~~and feral swine~~ at
7 night to protect marketable agricultural crops, livestock or
8 processed feed, seed or other materials used in the production of an
9 agricultural commodity.

10 B. Except as otherwise specified in this ~~subsection~~ section,
11 the permit to hunt at night shall be valid for a period of up to one
12 (1) year from the date the permit was issued.

13 C. Notwithstanding the provisions of Section 5-203.1 of this
14 title, a landowner, agricultural lessee, or designated agent with
15 written permission of the landowner and with a valid permit may use
16 a headlight carried on the person while hunting at night. Nothing
17 in this section shall authorize the use of a headlight mounted on a
18 vehicle or the use of a headlight from a public roadway.

19 D. Any person who has been convicted of, or pled guilty to, a
20 violation of Section 5-203.1 or Section 5-411 of this title within
21 the previous three (3) years shall not be eligible to receive a
22 permit pursuant to this section. The permit ~~can~~ may be issued by
23 the local game warden in the county for which the permit is to be
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1 used or by the Law Enforcement Division of the Department of
2 Wildlife Conservation.

3 E. It shall be lawful for any private landowner or designated
4 employee of the landowner or lessee to have a chamber-loaded firearm
5 on property owned by the landowner, and to use the firearm for the
6 purpose of controlling nuisance or damage by any wildlife ~~or feral~~
7 ~~swine~~. Nothing in this section shall authorize any convicted felon
8 to carry a firearm.

9 SECTION 3. AMENDATORY 29 O.S. 2021, Section 5-203.1, as
10 amended by Section 2, Chapter 171, O.S.L. 2022 (29 O.S. Supp. 2023,
11 Section 5-203.1), is amended to read as follows:

12 Section 5-203.1. A. Except as provided in Section ~~3 of this~~
13 ~~act~~ 4-135.2 of this title, no person may attempt to take, take,
14 attempt to catch, catch, attempt to capture, capture, attempt to
15 kill or kill any deer, feral animal or other wildlife except fish
16 ~~and~~, frogs, and feral swine as provided for in Section 6-604 of
17 Title 2 of the Oklahoma Statutes, by the use of a vehicle-mounted
18 spotlight or other powerful light at night, by what is commonly
19 known as "headlighting". Provided, however, nothing in this section
20 shall prevent one from possessing a .22 caliber rimfire rifle or .22
21 pistol and a light carried while in pursuit of furbearers with
22 hounds during the legal, open furbearers season, while possessing a
23 valid hunting license.

1 B. It shall be illegal to hunt from a boat with a firearm from
2 sunset until one-half (1/2) hour before sunrise. This shall not
3 pertain to hunting of waterfowl enroute from bank to blind with
4 unloaded shotguns.

5 C. Except as provided for in this section ~~and~~, in Section ~~3 of~~
6 ~~this act~~ 4-135.2 of this title, and except when removing feral swine
7 as provided for in Section 6-604 of Title 2 of the Oklahoma
8 Statutes, no person may harass, attempt to capture, capture, attempt
9 to take or take, kill or attempt to kill any wildlife or feral swine
10 with the aid of any motor-driven land, air or water conveyance. A
11 nonambulatory person may hunt from ~~said~~ such conveyances with
12 written permission of the Director of Wildlife Conservation. A
13 person may hunt from an air conveyance if issued a permit pursuant
14 to Section 4-107.2 of this title. Nothing in this section shall
15 prevent the use of motor-driven land or water conveyances for
16 following dogs in the act of hunting, when use is restricted to
17 public roads or waterways. Motor-driven land or water conveyances
18 may be used on private property for following dogs in the act of
19 hunting with the permission of the landowner or occupant.

20 D. Employees of the Oklahoma Department of Agriculture, Food,
21 and Forestry Wildlife Services Division and the United States
22 Department of Agriculture Wildlife Services while engaged in
23 wildlife management activities for the protection of agriculture,
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1 property, human health and safety and natural resources shall be
2 exempt from the provisions of this section.

3 E. Any person convicted of violating the provisions of this
4 section shall be guilty of a misdemeanor and shall be punished by a
5 fine ~~of~~ not less than One Thousand Dollars (\$1,000.00) for a first
6 offense and not less than Two Thousand Dollars (\$2,000.00) for a
7 second offense or by imprisonment in the county jail for not less
8 than ten (10) days nor more than one (1) year, and by confiscation
9 pursuant to Section 5-402 of this title or by such fine,
10 imprisonment and confiscation.

11 F. A district court, upon request by the district attorney,
12 shall order the hunting and fishing license privileges of a person
13 convicted of a violation of this section suspended, revoked, or
14 denied for a period not less than one (1) year nor more than ten
15 (10) years. Upon completion of the period of suspension,
16 revocation, or denial of licensure, the person may apply for a new
17 hunting or fishing license or request a reinstatement of a lifetime
18 license, if the person previously held a lifetime license. The
19 person applying for a new or reinstated license shall be required to
20 pay a reinstatement fee of Two Hundred Dollars (\$200.00) for
21 residents of this state and a reinstatement fee of Five Hundred
22 Dollars (\$500.00) for nonresidents. This fee shall be in addition
23 to any other fees required for the hunting and fishing license.
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SECTION 4. REPEALER 2 O.S. 2021, Section 6-605, is
hereby repealed.

SECTION 5. This act shall become effective November 1, 2024.

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